

Appl. No. 10/619,160

Amdt. dated January 31, 2005

Reply to Office action of December 17, 2004

REMARKS/ARGUMENTS

Reconsideration of the application is requested.

Claims 1-6 remain in the application. None of the claims have been amended.

We respectfully traverse the rejection of several of the claims as being obvious over the reference Moon (US 3,794,132) and the rejection of claim 6 as being obvious over a combination of Moon with Nagao et al. (US 6,051,954 "Nagao") under 35 U.S.C. § 103.

To begin with, claims 2 and 3 have not been rejected. It is therefore understood that claims 2 and 3 are allowable together with claims 4 and 5.

Turning now to the art rejection, applicant was simply stunned to receive a rejection of his claims (drawn to a cable railroad system) over the self-propelled wheelchair described by Moon. Several elements that appear in applicant's claims cannot be found in Moon and, more importantly, Moon explicitly teaches away from the probably central feature of the claims. It is difficult to even respond to the rejection because it appears entirely arbitrary and, indeed, capricious on first blush. On careful review, it turns out that the rejection is

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based on coincidental similarities between the wording of the claims and the wording used by Moon, pointing to a "word search" examination provided by the Examiner. This is not proper examination and applicant requests a new search and a clear and unambiguous rescission of the previously applied art.

As explained by the Examiner, Moon has a load-bearing frame (17, 18, 51, 59). We do not disagree. The Examiner then compares the drive belt 53 by which the electric motor 63 drives the pulley about the shaft 67 with the claimed "load-bearing and traction cable." We disagree. The Examiner further likens the unit 80 of Moon with the claimed coupling devices that allow coupling the railway chairs to the traction cable. Once more we disagree. Unit 80 of the reference is an electrical control box with controls that allow a user to operate the motor-driven wheelchair.

Probably the starkest error appears when the Examiner states that Moon's chairs have seats with electric heating devices and batteries connected to supply the heating devices. Moon states the contrary. Moon deals with heat dissipation and provides a heat sink 73 so that the heat generated by the motor and the battery is dissipated. The power dissipation, namely the heat dissipation,

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can be achieved at a point on the wheelchair which is remote from the user, so that there is no exposure to a person in the chair.

Col. 8, lines 2-4. Moon, therefore, expressly teaches away from heating the chairs. In contrast, of course, applicant's claim calls for seats of his chairs with electric heating devices and batteries connected to supply the heating devices.

In summary, neither Moon nor any other reference, whether taken alone or in any combination, either show or suggest the features of claim 1. Claim 1 is, therefore, believed to be patentable over the art and since all of the dependent claims are ultimately dependent on claim 1, they are believed to be patentable as well.

In view of the foregoing, reconsideration and allowance of claims 1-6 are solicited.

Respectfully submitted,



For Applicant

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